

S/N: 09/808,945

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Docket No.: KAW-247-USAP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/808,945

Confirmation No.: 5294

Applicant: Toshiaki KATSUMA

Art Unit: 2655

Filed: March 16, 2001

Examiner: Patel, Gautam

Docket No: KAW-247-USAP

Customer No: 28892

For: DIFFRACTION TYPE LENS AND OPTICAL PICKUP APPARATUS USING THE
SAME

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION
OVER A PRIOR PATENT

The owner Fuji Photo Optical Co., Ltd. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer of prior Patent No. 6,342,976. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either 1 or 2 below, if appropriate.


1. ☐ For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and

the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

2. X The undersigned is an attorney of record.

December 6, 2004
Date


Signature


Ronald R. Snider
Reg. No. 24,962

X Terminal disclaimer fee in the amount of \$110.00 as required by 37 CFR 1.20 (d) is attached

X PT0 suggested wording for terminal disclaimer was
X unchanged.
 changed (if changed, an explanation should be supplied).

The Commissioner is hereby authorized to charge payment of any additional fees due to credit any overpayment to Deposit Account No. 19-2816. A duplicate of this sheet is enclosed.

Respectfully submitted,


Ronald R. Snider
Attorney of Record
Reg. No. 24,962

Date: December 6, 2004

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